

REMARKS

By this preliminary amendment, Applicant has added new claims 16-28. Claims 1-28 are pending in this application and claims 1, 14 – 16, 27, and 28 are independent.

Applicant verily believes the original patent to be wholly or partially invalid, by reason of the patentee claiming more or less than he had a right to claim in the patent. By this Reissue Application, Applicant presents and intends to present claims that are, in at least some respects, broader than the claims in the issued patent.

More particularly, at least one error upon which the Reissue Application is based is that during prosecution of the application which issued on March 19, 2002, as U.S. Patent No. 6,358,503, the full scope of the invention was not appreciated, resulting in the patentee having claimed less than he had a right to claim and rendering the patent wholly or partly inoperative. As an example of this error, the subject matter of claim 1 is narrower than what the patentee had a right to claim. Claim 1 was intended to present a formulation that would protect the skin and was not stinging when applied to the skin. What was not appreciated was that the additional limitation of a plasticizer was not necessary to accomplish the intended invention. In practice it was thought that a plasticizer was needed to keep the dry composition flexible but this was determined not to be the case.

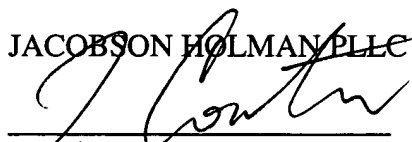
Support for the new claims can be found in column 2, line 17 to line 46, and column 2, line 55 to column 3, line 18. While the ranges disclosed include plasticizer, it is clear that the ranges for the polymer and solvent elements are broad and theoretically can encompass a range where no plasticizer is used in the composition. There being support in the disclosure for each of the new claims, favorable consideration is requested.

In addition, Applicant respectfully points out that during the original prosecution of the patent, the rejections under 35 U.S.C. § 103 that were overcome were based on the polymer and solvent compositions in the prior art, and not the additional limitation of a plasticizer.

With the foregoing amendments and remarks, it is respectfully requested that the present application is in condition for examination. If there are any questions, the Examiner is invited to call the attorney at 202-638-6666. Entry of the amendment and reconsideration is respectfully requested.

Respectfully submitted,

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